

REMARKS

Applicant has amended the specification to correct typographical errors. Applicant has amended claims 5, 6 and 14, canceled claims 8-9, 20-21, and 23-29, and added new claims 30-33. The Examiner has objected to claim 5 because of an informality. Applicant has amended this claim as suggested by the Examiner. The Examiner has objected to the form of claims 14 and 25. Applicant has amended claim 14 to correct its form and canceled claim 25. Applicant has amended claim 6 to correct a typographical error. Withdrawal of these objections is respectfully requested.

The Examiner has rejected claims 20, 21, 28, and 29 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has canceled these claims. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 28 and 29 under 35 U.S.C. §112, second paragraph, as being indefinite in that "it is unclear if the soybean line that comprises a nucleic acid molecule is transgenic for said nucleic acid molecule, or if such molecule is an inherent property of the other soybean plant." Applicant has canceled claims 28 and 29. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 8 and 9 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant has canceled claims 8 and 9. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 8, 9, 20, 21 and 23-29 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicant has canceled claims 8, 9, 20, 21, and 23-29. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 1-29 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. As stated in the specification on page 31, the seed deposit is being maintained by Stine Seed Farm Inc. at its Adel, Iowa facility. The deposit will be available to the Commissioner during the

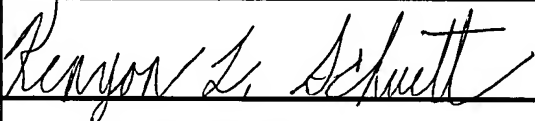
pendency of this application and upon allowance of any claims, deposit of the soybean seed will be made with the American Type Culture Collection.

The undersigned avers that:

- a) access to the invention will be afforded to the Commissioner during the pendency of the application;
- b) all restrictions upon availability to the public will be irrevocably removed upon the granting of a patent;
- c) the deposit will be maintained in a public depository for a period of 30 years or 5 years after the last request or for the enforceable life of the patent, whichever is longer;
- d) a test of the viability of the biological material at the time of deposit; and
- e) the deposit will be replaced if it should ever become inviable or when requested by ATCC.

Accordingly, withdrawal of this rejection is respectfully requested.

In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. §112. Reconsideration of this application and early notice of allowance is requested.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED					
NAME AND REG. NUMBER	Kenyon L. Schuett, Reg. No. 44,324				
SIGNATURE				DATE	October 14, 2004
Address	Jondle & Associates P.C. Suite 200, 9085 East Mineral Circle				
City	Centennial	State	CO	Zip Code	80112
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898